

## REMARKS

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested. Claims 1-4, 6, 8-11, 13-22, 24-35, 37, 39-42 and 44-57 stand rejected.

Rejections under 35 U.S.C. §103

Claims 1-4, 6, 8-11, 13-22, 24-35, 37, 39-42 and 44-57 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,493,695 to Pickering et al. in view of U.S. Pat. No. 6,366,575 to Barkan et al. and U.S. Pat. No. 6,771,764 to Dezonno. Applicant respectfully traverses this rejection.

It is noted first that independent claims 1, 22 and 32 are limited to "determining a system overload condition; and reassigning a first agent from a first task to a second task responsive to the determining the system overloaded condition". In this regard, the Examiner asserts "(col. 7, lines 31-44; Dezonno discloses switching a agent from a his/her task to another task when the agent call assignment threshold exceeds the determined metric" (Office Action of 3/14/06, page 4).

However, it would appear that the Examiner is in error in this regard. For example, Dezonno is directed to routing calls to reduce scheduling deviations. More specifically, "When the queue length is larger than the maximum queue length threshold, then the CPU 38 assigns calls to Bill" (Dezonno, col. 7, lines 43-45). Dezonno makes clear what is meant by the term "call" in the statement that "system 10 may be used to route calls from any of a number of sources (e.g., through the PSTN, Internet, e-mail, cellular telephone system, cable TV system radio, satellite, etc." (Dezonno, col. 2, lines 23-27).

Dezonno reduces scheduling deviations during overload conditions by drafting agents who are not handling calls into service for handling calls when a metric exceeds a threshold value. For example, "Bill" may be drafted where "Bill has . . . a related work status of doing 'paperwork'" (Dezonno, col. 7, lines 32-34).

In contrast, the claimed invention is directed to moving agents among "tasks". For example, "A task is a customer contact item such as a voice call, email message or web-collaboration request such as text chat or internet interactive voice" (specification, page 3, lines 26-28). More specifically, under the claimed invention "Customer service requests are referred to herein as tasks" (specification, page 3, line 5).

As such, Dezonno merely moves agents between related activities and calls. More specifically, Dezonno fails to provide any teaching or suggestion of moving agents among "task" as such term is used within the specification.

In addition, and as admitted by the Examiner, Pickering et al. and Barkan et al. also fail to teach or suggest this claim limitation. As such, the combination of Pickering, Barkan et al. and Dezonno fail to provide any teaching or suggestion of the methods step of (or apparatus for) "reassigning a first agent from a first task to a second task responsive to the determining the system overloaded condition".

In order for a rejection under 35 U.S.C. §103(a) to be effective, the combination must teach or suggest each and every claim limitation. Since the combination does not teach or suggest at least the limitation of "reassigning a first agent from a first task to a second task", the rejections are improper and should be withdrawn.

Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

WELSH & KATZ, LTD.

By: 

Jon P. Christensen  
Registration No. 34,137

Date: May 15, 2006  
WELSH & KATZ, LTD.  
120 South Riverside Plaza  
22nd Floor  
Chicago, Illinois 60606  
(312) 655-1500